

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED

2010 APR 26 PM 2:45

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY MS DEPUTY

JORGE MELENDEZ,
Plaintiff,

v.

KINGSAIRE, INC. d/b/a KINGS AIRE,
INC.,
Defendant.

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EP-09-CV-431-PRM

FINAL ORDER REMANDING CAUSE

On this day, the Court considered Plaintiff Jorge Melendez's (Melendez) "Motion for Leave to Amend Complaint" (Docket No. 5), filed on December 21, 2009; Melendez's "Motion to Remand" (Docket No. 6), filed on December 21, 2009; and Defendant KINGSAIRE, Inc. d/b/a Kings Aire, Inc.'s (Kings Aire) "Response to Plaintiff's Motion to Remand" (Docket No. 7), filed on December 30, 2009, in the above-captioned cause. After due consideration and for the reasons stated in the Court's "Memorandum Opinion Granting Plaintiff's Motion for Leave to Amend Complaint, and Granting in Part, Denying in Part Plaintiff's Motion to Remand," the Court grants Melendez's motion to amend, and grants in part and denies in part his motion to remand. Specifically, the Court grants Melendez's motion to to remand to the extent it asks the Court to remand this case to state court, but denies it to the extent it seeks expenses resulting from removal. The court now enters these orders pursuant to Federal Rule of Civil Procedure 58(a).

Accordingly, **IT IS ORDERED** that Plaintiff Jorge Melendez's "Motion for Leave to Amend Complaint" (Docket No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Jorge Melendez's "Motion to Remand" (Docket No. 6) is **GRANTED IN PART** insofar as it asks the Court to remand the above-

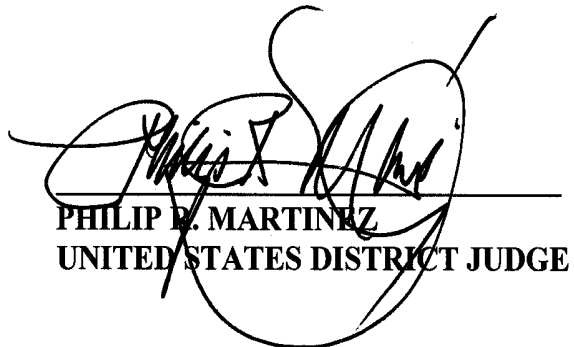
captioned cause to Texas state court, and is **DENIED IN PART** insofar as it seeks an award of expenses resulting from Defendant KINGSAIRE, Inc. d/b/a Kings Aire, Inc.'s removal of this cause to federal court.

IT IS FURTHER ORDERED that the above captioned cause be, and hereby is **REMANDED** pursuant to 28 U.S.C. § 1367(c), to the **327th Judicial District Court for El Paso County, Texas**.

IT IS FURTHER ORDERED that all pending motions, if any, filed in the above-captioned cause be, and hereby are **DENIED AS MOOT**.

IT IS FINALLY ORDERED that the **CLERK** of the Court shall **CLOSE** this matter.

SIGNED this 26 day of **April, 2010**.


PHILIP E. MARTINEZ
UNITED STATES DISTRICT JUDGE